

***Zoning Board of Appeals***  
**781-982-2100**

**Minutes**  
**January 9, 2014**  
**Cotter Room**  
**7:00 p.m.**

**Members Present:** James Haney, Lisa Bezanson, William Mullen, John Shepard, Marshall Adams, Zoning Enforcement Officer/Building Inspector  
**Absent:** Sean Reynolds

**Minutes:** - December 12, 2013 - motion by Mrs. Bezanson to approve, seconded by Mr. Mullen, unanimous.

7:00 p.m. **Petition of Abington Stop N Gas, 164 North Avenue, Abington, for: a variance for an LED changeable sign at 164 North Avenue, under Abington Zoning By-Laws Sec. 175-57, 175-59 and 175-60. The property is located on Assessors Plan 53, Plot 148, in the Central Business District.** Voting members: Lisa Bezanson, William Mullen, John Shepard.

Mohamed Ahmed explained he wants to install LED sign, no high graphics. The business is open 24/7. Sign would face North Ave. Mr. Haney concerned with the sign disturbing the residents at the condos across the street. He would be willing to put it on a timer. Mr. Haney - concerned with light from the sign being in conflict with traffic lights. Mr. Ahmed – sign will go where existing poles are. Mr. Haney outlined the guidelines the Board has drafted - no more than one change per minute, no flashing, no animation, no scrolling, fading or movement of any kind; does not incorporate any form of animation, moving letters, flashing images or flashing lights; no moving borders, graphics, no live or recorded video feed, no sound; dimming to ambient light. Mr. Ahmed - there is an auto dimmer on it. Mr. Shepard - what is square footage allowed? Wouldn't this be additional signage? Sign is 2' x 5', 10 s.f.; business name is 5' x 4'; and price sign is 12 inches high. Square footage would be approximately 35 s.f. total. Mr. Haney felt it was within square footage of what was allowed. Opened to floor, no comments and brought back to table.

Mr. Mullen - not comfortable with sign on 24/7; referred to Sec.175-67-I. Suggested it off at 11 p.m., back on at 6 a.m. Mr. Ahmed requested 12 midnight to shut off. Mr. Shepard was concerned with irritating the neighbors with the sign being on too late. Mr. Ahmed is concerned about his neighbors; he wouldn't do anything that would bother them, knows most of them by name. Board preferred 11 p.m. to 6 a.m. for sign to be off, with condition not to change more than 1 time a minute, no scrolling, fading, flashing, animation, changing borders, no video feed, sound, with auto dimming.

Motion by Mr. Mullen to approve with above conditions, seconded by Mr. Shepard, unanimous.

7:05 p.m. **Petition of Patrick J. O'Shaughnessy & Mary B. O'Shaughnessy, Trustees, O'Shaughnessy Family Trust, 43 Crabtree Lane, Abington, for: a 13' side yard setback variance for proposed single car attached garage with residential lift, with bedroom layout reconfigured and wheelchair accessible bathroom to be added at 43 Crabtree Lane, under Abington Zoning By-Laws Sec. 175-29 and 175-69. The property is located on Assessors Plan 37, Plot 125, in the R-30 Zone.** Voting members: James Haney, Lisa Bezanson, William Mullen.

Michael O'Shaughnessy attended representing his mother and father. They are requesting side yard variance for handicapped bathroom. His mother is having difficulty getting around and uses a walker. They want to add single car garage with lift inside. This is consistent with what is in the neighborhood and what the board had granted in the past. Mr. Shepard - neighborhood is great, didn't see a problem.

Opened to floor:

Mike Zulon, 46 Crabtree - in support, lives directly across the street. There is plenty of room there between this and next house.

Closed and brought back to the table. Mr. Shepard - trees are a nice buffer. Board felt there was hardship. There isn't another place for it.

Motion to approve made by William Mullen, seconded by Lisa Bezanson, unanimous.

7:10 p.m. **Petition of David and Louise Peterson, 89 Isabelle Street, Abington, for: a 7' finding/variance to place 8' x 8' shed 3' from easterly boundary line at 89 Isabelle Street, under Abington Zoning By-Laws Sec. 175-29 and 175-26. The property is located on Assessors Plan 4, Plot 94, in the R-30 Zone.** Voting members: James Haney, William Mullen, John Shepard.

Mr. Peterson submitted a narrative, which the board read. They would like to move it back to where the shed was. Mr. Mullen - it would be alongside a privacy fence and abutting the garage of 95 Isabelle Street. The garage is on the property line. Mr. Shepard - this is for safety concerns? Yes. 89 Isabelle Street has had criminal activity on four separate occasions. Mrs. Peterson - they have had three car break-ins and one assault and battery on a person over 60. Mr. Haney - what would moving it accomplish? Mr. Peterson - the current location makes it visible from Isabelle and Martin Street. It is currently in the middle of the yard, which makes use of the backyard very limited. It is out of character with neighborhood where it is now. It had been 3' off boundary line since July 2006. Mrs. Peterson had talked to the building inspector at the time and stated she was told it could go anywhere but over a cesspool based on size of the shed, cost and that it was a prefabricated kit. Marshall Adams hadn't been aware of this, hadn't been discussed previously, or he would have looked it up. It was Mr.

Haney's recollection that there hadn't been restrictions on a shed without a foundation that small at that time. Shawn Reilly – his recollection was that if a shed was under 96 s.f., you didn't need a building permit; over 96 s.f. you needed a building permit. Technically, an accessory building should be 10 ft. from the lot line, but in reality, most people put it as close to the lot line as possible, unless it infringes on a neighbor, or a neighbor complains.

Opened to floor:

Jim Counter, Warren Street - hardship is with the size of the lot being so small.

Frank Puliafico, 75 Isabelle Street - all he can see is shed in the middle of their yard; it is a small lot. It's an eye sore. He is in favor of moving shed.

Gregory Tanger, 103 Isabelle Street - in support of petition; there is hardship in size of lot.

Debra Tanger, 103 Isabelle Street – shed has taken yard away completely. They shouldn't have to suffer because of their neighbor. It's not in neighbor's vision. Building Inspector will look into this, and if approved, they may not have to wait for appeal period, depending on what he finds. Mr. Haney - seems like a reasonable request, understands the hardship. Has neighbors' support.

Motion to approve the petition made by Mr. Mullen, seconded by Mr. Shepard, unanimous.

7:15 p.m. **Petition of William Adamczyk, 351 Ashland Street, Abington, for: a 4' side yard variance and 10' frontage setback variance to construct a 12' x 20' s.f. addition off the existing home at 351 Ashland Street, under Abington Zoning By-Laws Sec. 175-29. The property is located on Assessors Plan 8, Plot 61, in the Highway Commercial Zone. Voting members: James Haney, Lisa Bezanson, John Shepard.**

Mr. Adamczyk – they are looking to add on a 12' x 20' living room to their home. The basement is just storage space. Building Inspector and Mr. Haney felt this could be just a finding. Mr. Shepard – what do the neighbors think? Mr. Adamczyk – most of the neighbors have similar situations and don't have a problem with it. Opened to the floor, no comments and brought back to the table.

Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Shepard, unanimous.

7:20 p.m. **Petition of CCL Abington Phoendog LLC, 225 Groveland Street, Abington, for: a special permit to allow work within the Flood Plain and Wetlands Protection overlay district, to construct a retail accessory building adjacent to existing customer entrance/exit driveway at 225 Groveland Street, under Abington Zoning By-Laws Sec. 175-35G. The property is located on Assessors**

**Plan 14, Plot 20, in the Highway Commercial Zone.** Voting members: James Haney, Lisa Bezanson, William Mullen. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly and Cape Cod Lumber/Harvey Hurvitz before, but have no interest in this petition.

Atty. Shawn Reilly and Harvey Hurvitz, attended with David Kelly, Kelly Engineering. Sewer advisory – project must be approved by Sewer Commissioners. They are proposing an accessory building, which will be a design center. There has been confusion as to where customers should go. It is in the FPWPD, and the area has already been cleared. They have been to Planning Board and approved subject to minor changes. They will go through Conservation Commission also. There will be no change to entrance or exit. Lighting won't affect neighbors. There are no issues with drainage; will have its own detention pond. Mr. Haney - wasn't this part of original proposal? Mr. Hurvitz – they were going to redevelop the Route 18 property; there is only the design center on Route 18 now. Two locations is less convenient for customers, and less convenient operationally. Mr. Shepard - what will happen to Route 18 property? They will put the property on the market.

Atty. Reilly - requested that the board doesn't vote to approve tonight due to FPWPD restriction, continue it to February 13th meeting for vote due to Sec. 175-32-G. Mr. Hurvitz added that the structure will be more residential looking than commercial. Mr. Shepard - asked about neighbors. Mr. Hurvitz - they planted additional trees over what had been proposed and has listened to the concerns of the neighbors. There wouldn't be significant amount of additional traffic.

Opened to floor:

Steve Wakelin - Route 18 is perfect location, but doesn't oppose it.

Jim Counter - in favor.

Motion to continue to February 13 at 7:00 p.m. made by Mr. Mullen, seconded by Mrs. Bezanson, unanimous.

7:30 p.m. **Petition of the Town of Abington, c/o Strawberry Valley Golf Course Committee, 164 Washington Street (Route 18), Abington, for: variances to allow for the erection of a new 16 s.f. sign over a 16 s.f. digital bulletin board on existing sign post at public golf course entrance, under AZBL Sec. 175-57 & 175-58. The property is located on Assessors Plan 9, Plot 43, in the R-30 Residential Zone.** Voting members: Lisa Bezanson, William Mullen, John Shepard. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly in the past, but have no interest in this petition.

Shawn Reilly attended (not as an attorney) with Steve Wakelin, Chairman of the SVGCC. They are updating the sign at golf course. It is a digital sign. This had been

approved in 2010 at town meeting. Mark Chirokas had been very involved in this, but due to his death, it got waylaid. They are hoping the sign will increase revenues for the town as well as the management company. Will be a single color sign (amber), not multicolored. Won't be a concern shutting it off at night. Mr. Mullen – had question on whether there would be two signs. Mr. Reilly – the top part of the sign that says Strawberry Valley is not digital. The bottom will be the digital sign. Mr. Wakelin – they are trying to attract additional golfers. The board wants it to change no more than once a minute. Mr. Wakelin – it won't be changed frequently. The hours of operation are from sunrise to sunset.

Motion to approve 32 s.f. sign made by Mr. Mullen, with conditions: sign is to be shut off between 11 p.m. to 6 a.m., but it could be shut off before that if they want, auto dimming, not to change more frequently than once a minute, no animation, no movement of any kind, seconded by Mrs. Bezanson, unanimous.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Nancy Hurst